IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

RP.No. 1050 of 2007(S)

AGAINST THE JUDGEMENT/ORDER IN WPC.28917/2007 Dated 28/09/2007
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PETITIONER : PETITIONER IN WPC:

P.OMANA AMMA, W/O.LATE.V.APPUKURUP
(PRE-1986 COMBINED SERVICES PENSIONER) PUTHAN
PURAYIL HOUSE, P.O.CHAMPAD,(VIA)TELLICHERRY,
CANNANORE DISTRICT,KERALA 670 694, (REP.BY THE P/A
HOLDER P.A.SADASIVAN, S/O.LATE V.APPUKURUP,
PUTHAN PURAYIL HOUSE, -DO-, -DO-.

BY . P.A.SADASIVAN, PARTY IN PERSON(POWER OF ATTORNEY OF PETITIONER)

RESPONDENTS: RESPONDENTS IN WPC:
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1. DIRECTOR OF ACCOUNTS(POSTAL),
TAMILNADU POSTAL CIRCLE, CHENNAI-600 008.

2. SENIOR SUPERINTENDENT OF POST OFFICES,
CHENNAI CITY CENTRAL DIVISION, CHENNAI-600017.

3. CHIEF POST MASTER GENERAL,
TAMILNADU POSTAL CIRCLE, CHENNAI-600 002.

4. SECRETARY TO GOVERNMENT OF INDIA,
DEPARTMENT OF POSTS, MINISTRY OF COMMUNICATIONS
AND INFORMATION TECHNOLOGY, DAK BHAVAN,
NEW DELHI-100 001.

5. SECRETARY TO GOVERNMENT OF INDIA,
DEPARTMENT OF PENSION AND PENSIONERS WELFARE,
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND
PENSIONS, LOK NAYAK BHAVAN, NEW DELHI-110 003.

BY SHRI P. PARAMESWARAN NAIR, ASST.S.G.

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION
ON 31/10/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

K. Balakrishnan Nair &
T.R. Ramachandran Nair, JJ.

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R.P.No.1050/2007 in W.P.(C).NO.28913/2007-S

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Dated this the 31st day of October, 2007

O R D E R

Balakrishnan Nair J.

The writ petitioner is the review petitioner. The challenge against the judgment in O.A. No.834/2006 of the Central Administrative Tribunal, Ernakulam Bench was rejected on the ground that the same is barred by res judicata and also by limitation. It is submitted on behalf of the petitioner that since the denial of pension is a recurring cause of action, the earlier decision will not operate as a res judicata. The same is the case of limitation, it is submitted. The petitioner relies on a few decisions of the Apex Court mentioned in the grounds of the review petition.

2. We feel that the grounds relied on by us are wrong, is a point which cannot be urged to review an order. It may be a ground in appeal. Going by the principles governing the exercise of power of this court to review its own order, we are of the view that no grounds have been made out in the review petition, warranting review of the judgment. Res judicata stands in the way of adjudicating the same point again between the very same parties which was the subject matter of an earlier decision by a

competent tribunal. So, the earlier decision of the Tribunal will definitely act as res judicata.

In the result, the review petition fails and it is accordingly dismissed.

(K. Balakrishnan Nair, Judge.)

(T.R. Ramachandran Nair, Judge.)

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